

Serial No.: 09/829,461

REMARKS

The Applicant and the undersigned thank Examiner Pham for the careful review of this application. Claims 31-65 were subject to a restriction requirement imposed by the Examiner on July 14, 2003: Group I Claims: 31-50 and 61-65 and Group II Claims: 51-60. The Applicant has elected the Group I Claims with traverse.

Request for Reconsideration of the Restriction Requirement

In the Restriction Requirement of July 14, 2003, the Examiner states that the inventions in the present application are distinct and are therefore, restrictable. Applicant traverses the restriction requirement asserted by the Examiner in the present application.

As clearly set forth in the second paragraph of Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. The restriction is proper where two criteria are present:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicant respectfully submits that two distinct inventions is not a serious burden to consider all of the claims in a single application. A review of the subject matter set forth in the claims shows that they are substantially related. Therefore, the Applicant respectfully submits that restriction is improper and request that the restriction requirement be withdrawn.

But in order to be responsive to the restriction requirement, Applicant has elected, WITH TRAVERSE, Claims 31-50 and 61-65 or the Group I Claims to be examined in the present application. The Examiner is respectfully requested to reconsider his restriction requirement and act on all of the claims in the present application. If the Examiner does persist in his restriction requirement, Applicant reserves the right to file a petition and/or to file a divisional application directed to the Group II (Claims 51-60) at a later date if they so desire.


Serial No.: 09/829,461

**CONCLUSION**

The foregoing is submitted as a full and complete response to the Office Action mailed on July 14, 2003. The Applicant and the undersigned thank Examiner Pham for the consideration of these remarks. The Applicant has submitted remarks to traverse the restriction requirement. Examination of all the claims of record is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by telephone conference, or that there are any formalities that can be corrected by an Examiner's Amendment, please contact the undersigned in the Atlanta Metropolitan Area at (404) 572-2884.

Respectfully submitted,

  
Steven P. Wigmore  
Reg. No. 40,447

KING & SPALDING  
45<sup>th</sup> Floor, 191 Peachtree Street, N.E.  
Atlanta, GA 30303  
404.572.4600  
K&S Docket: 10125-105001